

Remarks

Claims 1 and 2 are pending in the subject application and currently stand rejected. Reconsideration and favorable consideration of the pending claims is respectfully requested in view of the following remarks.

Claims 1 and 2 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Wu *et al.* (U.S. 6,931,980) in view of Kwon *et al.* (U.S. 2003/0045061). Applicant respectfully traverses.

The Action at page 3 admits that Wu *et al.* fails to teach removing the nitride layer and the first oxide layer on the surface of the substrate after forming the second preliminary source/drain region through the second ion implantation process using the spacers as a mask, but asserts that the secondary reference, Kwon *et al.*, teaches “removing the nitride layer **200** and first oxide layer **161** on the surface of the substrate (figure 10) after forming the second preliminary source/drain region **230** through the second ion implantation process using the spacers **215** as a mask (figures 7-9) by teaching the use of a series of insulation layers that are deposited over the substrate, including the gate electrode, to form a spacer layer. The top insulation layers are formed into spacer while the two bottom insulation layers remain on the surface of the substrate.”

However, contrary to such assertions, Kwon *et al.* does not cure the admitted defects of Wu *et al.* In particular, layer **200** of Kwon *et al.* is an oxide layer, not a nitride layer that is removed after forming the second preliminary source/drain region as claimed. In fact, Kwon *et al.* removes the nitride layer **210** before forming the second preliminary source/drain region, and then removes oxide layers **200** and **161**. The two bottom insulation layers of Kwon *et al.* are formed of the same material – oxide – and can be removed by the same etching process. By being formed of the same material, these layers may be indistinguishable on the surface of the second preliminary source/drain region. Therefore, there is no teaching or suggestion to remain a first oxide layer and a nitride layer, such that the nitride layer and the first oxide layer are removed from the surface of the substrate after forming the second preliminary source/drain region.

Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1 and 2.

In view of the foregoing remarks, Applicant believes that the claims as currently pending are in condition for allowance, and such action is respectfully requested.

Applicant invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account 19-0065.

Respectfully submitted,



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